

RULE
Department of Labor
Office of Workers' Compensation
Hearing Rules
(LAC 40:I.5501-6627, 6637, 6639, 6662, and 6663)

The Louisiana Department of Labor, Office of Workers' Compensation, pursuant to authority vested in the Director of the Office of Workers' Compensation by R.S. 23:1310.1 and in accordance with applicable provisions of the Administrative Procedure Act, has amended and reenacted rules governing the procedure before the workers' compensation court, LAC 40:I, Subpart 2, Chapters 55 through 65 and Chapter 66, Sections 6601 through 6627, 6637 and 6639 and to enacted Chapter 66, Sections 6662 and 6663, to provide for the procedural rules for the workers' compensation court.

Title 40
Labor and Employment
Part I. Workers' Compensation Administration
Subpart 2. Hearing Rules

Chapter 55 General Provisions

SUBCHAPTER A. DEFINITIONS

Section 5501 Purpose; definitions

1. The purpose of these Rules is to govern the practice and procedures before the Workers' Compensation Court which is a statewide court having jurisdiction of claims for workers' compensation benefits, the controversion of entitlement to benefits and other relief under the workers' compensation act. These rules are designed to facilitate the equitable, expeditious and simple resolution of workers' compensation disputed claims filed with the Court.
2. As used in these rules, unless otherwise indicated the following words shall have the following meanings:
 - (1) "Claimant" may, as the context requires, refer to the injured employee, the employer, the insurance carrier, the group self-insurance fund, the health care provider, or a dependant.
 - (2) "Court" shall mean the Office of Workers' Compensation court within the

Office of Workers' Compensation Administration of the Louisiana Department of Labor.

- (3) "Director" shall mean the director of the Office of Workers' Compensation Administration of the Louisiana Department of Labor.
- (4) "Judge" shall mean a workers' compensation judge.
- (5) "Mediator" shall mean a workers' compensation mediator.
- (6) "Office" shall mean the Office of Workers' Compensation Administration of the Louisiana Department of Labor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:264 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1859 (October 1999).

SUBCHAPTER B. JURISDICTION

Section 5503. Jurisdiction authority

Jurisdiction over workers' compensation matters is conferred upon the Office of Workers' Compensation Administration pursuant to Louisiana Constitution Article V, §16(A)(1) and R.S. 23:1310.3, et seq..

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1859 (October 1999).

Section 5505. Jurisdiction over subject matter and persons

Jurisdiction of the workers' compensation judges shall be governed by R.S. 23:1310.3

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers'

Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

SUBCHAPTER C. COMMENCEMENT

Section 5507. Commencement of a claim

1. ["Form LDOL-WC-1008"](#) shall be the form to initiate a claim or dispute arising out of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950.
2. Any claim may be initiated with the director, office of worker's compensation administration, or the district office of proper venue by delivery or by mail addressed to the office of worker's compensation administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5509. Delay for answering

1. A defendant shall file his answer within fifteen days after receipt of the citation from the mediator and in accordance with Code of Civil Procedure Articles 1001, 1005 and 1006.. The defendant shall certify that a copy of the answer was sent to all parties to the claim.
2. The filing of the answer shall be deemed timely when the answer is filed as provided in R.S. 23:1310.3(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5511. Service

Service of process in a workers' compensation claim shall be by certified mail, at mediation by the mediator, or any other manner provided by law.

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).
Section 5513. Reserved

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

SUBCHAPTER D. VENUE

Section 5515. Proper venue

Proper venue in a workers' compensation claim shall be governed by R.S. 23:1310.4 and Code of Civil Procedure Articles 44 and 121. When a claim has been filed in a district of improper venue, the judge shall, in the interest of justice, transfer the claim to a district of proper venue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5521. Reserved

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 26: (October 1999).

Section 5523. Reserved

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SUBCHAPTER E. RECUSATION OF JUDGES

Section 5525. Procedure for Recusal of a Workers' Compensation Judge

1. (1) Any party to a workers' compensation claim may file a written motion for recusal of the judge to whom the matter is assigned specifying the grounds for recusal. This motion shall be filed prior to trial or hearing unless the party discovers the facts constituting the ground for recusal thereafter. In such case, the motion shall be filed immediately after the facts are discovered, but in no case after judgment. Upon receipt of the motion, the judge shall withdraw without further proceedings and authority and immediately refer the matter to the Chief Judge for appointment of an ad hoc judge for contradictory hearing on the motion. Such hearing shall be held in an expedited manner and in no event later than fourteen days following filing of the motion.

(2) Qualification for appointment as an ad hoc judge shall be governed by the provisions of R.S. 23:1310.1(B).

2. Grounds for recusal shall be as provided in Code of Civil Procedure Article 151.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5527. Reserved

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HISTORICAL NOTE: Adopted by Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5529. Recusation on court's own motion

A judge may recuse himself after notifying the chief judge, whether a motion for recusal has

been filed by a party or not, in any claim in which a ground for recusation exists prior to a judgment being rendered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5531. Reserved

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HISTORICAL NOTE: Adopted by Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

SUBCHAPTER F. POWER AND AUTHORITY

Section 5533. General

3. Workers' compensation judges shall have the power to enforce any lawful order and the discretionary authority to use necessary sanctions, including dismissal, in order to control the orderly process of the hearing, enforce orders, and these rules.
4. Except as provided in Section 5709, a workers' compensation judge or mediator shall not refer any claimant to an attorney for representation in a workers' compensation matter unless ordered to appoint an unrepresented party by a court of competent jurisdiction. The court shall have available a list of attorneys, compiled by the Director, who have indicated a willingness to handle workers' compensation matters.
5. All workers' compensation judges shall be subject to the Code of Judicial Conduct, Civil Service Rules, the Louisiana Code of Governmental Ethics and the LSBA Code of Professional Conduct. All workers' compensation mediators shall be subject to the Civil Service Rules, the Louisiana Code of Governmental Ethics, and the LSBA Code of Professional Conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.3(E).

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers'

Compensation, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999).

Section 5535. Contempt

1. Contempt of court is any act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority.
2. Contempt proceedings in a workers' compensation proceeding shall be governed by R.S. 23:1310.7(B). This procedure is favored and shall be construed to accomplish the just, speedy, and orderly process of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

Section 5537. Procedure

A person accused of committing contempt of court may be found guilty and punished only after application to the district court as provided in R.S. 23:1310.7(B). The allegation may issue on the court's own motion or on motion of a party to the claim and shall state the facts alleged to constitute the contempt. A person accused of committing a contempt of court shall be served with a certified copy of the motion, in the same manner as a subpoena, at least forty-eight hours before the time assigned for trial of the rule in the district court.

AUTHORITY NOTE: Promulgated in accordance with R. S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

SUBCHAPTER G. CLERKS

Section 5539. District Clerk; pleadings filed; docket books

Each workers' compensation district and the Records Management division shall have a clerk(s), who shall be an ex officio notary public. The supervisor of the Records Management division

shall be the custodian of all records and documents for that district or the Office and no such records, documents, or paper shall be withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

SUBCHAPTER H. BAILIFFS

Section 5541. Security

1. The term "Bailiff" shall refer to any peace officer or duly commissioned reserve officer assigned by the Director to maintain order at each workers' compensation court.
2. The bailiff may in his discretion inspect any object carried by any person entering the premises. No one shall enter or remain in the premises without submitting to such an inspection if requested to do so.
3. Unless authorized by the Judge, no camera, recording equipment or other type of electrical or electronic device shall be brought into the premises.
4. No person shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he or she has been authorized in writing by the Director to do so, or unless he or she is a peace officer or duly commissioned reserve officer.
5. The bailiff shall enforce the whole of this rule, and pursuant to his authority as a peace officer or duly commissioned reserve officer, shall be authorized in his discretion to take any legal action necessary to preserve the order and security of the premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:266 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

SUBCHAPTER I. ATTORNEYS AND OTHER PERSONS BEFORE THE COURT

Section 5543. Workers' compensation courtroom decorum

1. The following shall be observed in the opening of workers' compensation court and general courtroom decorum:
 - (1) The bailiff shall open each session of workers' compensation court with an appropriate recitation and order.
 - (2) No tobacco in any form will be permitted at any time.
 - (3) No food or beverage shall be brought into the courtroom.
2. As officers of the workers' compensation court, attorneys are reminded of their obligations to assist in maintaining the dignity of the court. All attorneys and other officers of the court shall dress appropriately. For gentlemen, this means a coat and tie. For ladies, this means appropriate professional attire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:267 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

Section 5545. Attorneys

In all hearings before the Workers' Compensation Judge the parties may appear in person or by counsel licensed to practice law in the State of Louisiana. Corporate entities, unincorporated associations, insurance companies and own-risk carrier shall appear only by such counsel. Counsel who will appear before the Workers' Compensation Judge on behalf of a party in any proceeding shall notify the Office of Workers' Compensation of their appearance by filing an entry of appearance or other appropriate pleading and shall be bound by Code of Civil Procedure Article 371.

AUTHORITY NOTE: Promulgated in accordance with R.S.23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1861 (October 1999).

Section 5547. Withdrawal of counsel

1. When an attorney seeks to obtain an ex parte order to withdraw as counsel for a party, he shall include in his application the last known address of the claimant along with a statement that he has given written notice to the party he was previously representing that he is no longer of counsel to him and of the status of the case on the court's docket. The attorney shall certify to the court that he has given notice to all counsel of record at the same time and in the same manner as notification to the court. A copy of such written notice and certification shall be attached to the application for the ex parte order for withdrawal. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all parties.
2. Counsel of record who withdraws or is discharged prior to submission of the case, and desires to assert a claim for fees, must attach a statement to that effect and set forth the period of time during which his client was under his or her representation. Counsel shall also file a lien form, to be developed by the Director, identifying any lien he may have on the pending claim for payment of attorney fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTES: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1862 (October 1999).

Chapter 57 ACTIONS

SUBCHAPTER A. GENERAL PROVISIONS

Section 5701. Prescription; filing procedure

1. Prescription periods shall be as set forth in R.S. 23:1031.1(E),(F),(I), 1209, and 1234. Time limits shall be calculated from the date of mailing as shown by the post mark, other proof of mailing, or the date a facsimile transmission is received.
- B. Filing shall be deemed complete at the time that a facsimile transmission is received. A facsimile, when filed, has the same force and effect as the original. If the party fails to comply with the requirements of Paragraph (3) of Subsection C, of this Section, a facsimile filing shall have no force or effect.
- C. Within five days, exclusive of legal holidays, after the district office or the records management division have received a facsimile transmission, the party filing the document shall forward the following to the district office or records manager:

- (1) The original signed document;
- (2) The applicable filing fee, if any; and
- (3) A transmission fee of \$5.00 (five dollars).

D. Upon receipt in the office, the pleading or forms and any other correspondence shall be stamped with the date of receipt by the appropriate court personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1862 (October 1999).

Section 5703. Prematurity

Prematurity in a workers' compensation claim shall be governed by R.S. 23:1314.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1862 (October 1999).

Section 5705. Abandonment

1. A claim may be dismissed by an ex parte order of the judge for lack of prosecution for the following reasons:
 - (1) Where no service of process and/or mediation has occurred within sixty (60) days after the Form LDOL-WC-1008 has been filed;
 - (2) Where no responsive pleadings have been filed and no default has been entered within sixty (60) days after service of process;
 - (3) Where a claim has been pending six (6) months without proceedings being taken within such period. This provision shall not apply if the claim is awaiting

action by the workers' compensation court; or

- (4) Where a party fails to appear for a properly noticed conference or trial.
1. Any formal discovery as authorized by these rules and served on all parties whether or not filed of record, including the taking of a deposition with or without formal notice, shall be deemed to be a step in the prosecution or defense of an action.
2. Dismissal under this Rule shall be without prejudice. Any order of dismissal shall allow for reinstatement of the action within thirty (30) days for good cause shown.
3. The failure of an attorney or pro se litigant to keep the workers' compensation court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to a party or the workers' compensation court for the reason of an incorrect address and no correction is made to the address for a period of thirty (30) days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1862 (October 1999).

Section 5707. Class Actions

No class action will be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of workers' Compensation Administration, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1862 (October 1999).

SUBCHAPTER B. SETTLEMENT

Section 5709. Joint Petition Settlements; appointment of counsel

- A. (1) A lump sum or compromise settlement shall be presented to the presiding judge in a pending disputed claim or to any judge in an undisputed claim for approval on Form LDOL-WC-1011 and upon joint petition of the parties. The

employer/insurance carrier must also submit Form LDOL-WC-1007 if it has not been filed previously with the office.

- (2) A hearing in open court with all parties present shall be required when one or more parties is not represented by counsel. Appearance by the parties and/or their representative may be waived if all parties are represented by counsel. In special circumstances and in the interest of judicial economy, the judge may allow the unrepresented party to waive his appearance and permit the party to appear by telephone. Appearance by the represented parties and/or their representative may be waived in written form.
2. When one or more parties is not represented by counsel, the judge may appoint an attorney to assist the court in determining whether the settlement does substantial justice and is in the best interest of all parties. In such cases the court may approve an attorney's fee to be paid out of the proceeds of the settlement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Section 5711. Reserved

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Chapter 58 PLEADINGS

SUBCHAPTER A. GENERAL

Section 5801. Pleadings allowed

The pleadings allowed in workers' compensation claims, whether in a principal or incidental action, shall be in writing and shall consist of petitions, exceptions, written motions, answers, and Office of Workers' Compensation Administration forms.

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HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Section 5803. Reserved

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SUBCHAPTER B. SUPPLEMENTAL/AMENDED PLEADINGS

Section 5805. Amendment of claim and answer

Amendment of a claim and answer shall be governed by Code of Civil Procedure Article 1151.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Section 5807. Reserved

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SUBCHAPTER C. FORM

Section 5809 Forms

The Office of Workers' Compensation Administration shall prepare and adopt such forms for

use in matters before the Office of Workers' Compensation Administration as it may deem necessary or advisable. Whenever Office of Workers' Compensation Administration forms are prescribed and are applicable, they shall be used. A photo ready copy of any form may be procured upon request to any District Office or the office of the Director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:269 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Section 5811. Format of documents

1. Any pleading or other document submitted to the Director or to any judge shall be typed or printed legibly on 8 ½ x 11" paper and shall bear the name and signature of the person who prepared it, the firm name, if applicable, the complete address including the zip code, the telephone and facsimile number, including the area code and the docket number, if one has been assigned to the claim. All attorneys shall note their bar roll number on all documents and correspondence.
2. Copies of all correspondence and any other instruments sent to the Office of Workers' Compensation Administration shall be sent at the same time and in the same manner by the party originating the correspondence to all other parties of record in the case and a certificate to that effect shall be attached to the original and filed with the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:269 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863: (October 1999).

SUBCHAPTER D. MEDIATION

Section 5813. Informal Mediation

1. Within 15 days of receipt of a claim in a district of proper venue but with not less than 5 days notice to the parties, unless the parties agree to meet at an earlier date, the district office shall set the matter for an informal mediation conference with a mediator. The notice may be given by telephone, but shall be confirmed by United States Mail. The notice shall indicate the date, time, and place of the conference. Upon filing of the

LDOL-WC-1008 any party to the claim and/or their representative may request a copy of the Form 1008 filed in the case. No such request shall be denied by an employee of the Office of Workers' Compensation Administration.

2. The purpose of the informal mediation conference shall be to mediate and encourage resolution of the dispute. As such the conference is designed for employees, employers and/or adjustors or claims managers. Within 24 hours of receipt of notice of the informal mediation conference, the employer shall notify his workers' compensation insurer or adjuster, in case of a self-insured, of the date, time and place of the conference.
3. The informal mediation conference may be held by telephone if agreed to by all parties to the claim and they are represented by an attorney or authorized claims representative. Notice should be given that such agreement has been reached no later than five (5) days prior to the mediation. The defendant must have available at the time of the mediation a facsimile machine to accept service. Telephone mediations shall not be permitted in claims where a party is unrepresented; except in special circumstances or in the interest of justice, the mediator may allow a party to appear by telephone. All parties to a telephone mediation shall provide the mediator with all information required by Subsection D of this Section prior to the scheduled mediation.
4. If available, the parties shall bring or mail to the office prior to the conference two (2) legible copies of the following: LDOL-WC-Form 1007, current medical bills and reports, information on workers' compensation benefits previously paid, wage records, vocational rehabilitation records and any other documents relevant to the issues of the claim. If the employer has failed to timely file a completed 1007, the employer shall be assessed a fine in accordance with LAC 40:109. Nothing contained in the Form LDOL-WC-1007 shall be considered as an admission of any fact contained therein.
5. No stenographic report shall be taken at the informal mediation conference and no witnesses shall be called. All statements made at the mediation conference shall be privileged and shall not be admissible in any subsequent hearing or trial.
6. Continuances of the mediation conference may be permitted for good cause shown by written request to the mediator no later than three days prior to the conference, unless exigent circumstances exist. The request shall state the reasons the continuance is necessary, that all parties have been notified of the request, and whether all parties agree to the continuance

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999).

Section 5815. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1864 (October 1999).

Section 5817. Conclusion of informal mediation conference

1. When it becomes apparent during the course of a mediation conference that agreement on all issues cannot be reached, the mediator shall issue a report stating the result of the conference and, at the initial conference, immediately issue citations to all defendants. The report shall be issued to the parties immediately following the conference or mailed within (5) days thereof.
2. If in the mediator's judgment a follow-up mediation conference would be beneficial and would likely resolve the dispute, a date shall be set for the conference. The scheduling of an additional conference(s) shall not delay issuance of citation to the defendant(s).
3. Following a mediation conference, at which agreement is reached on all issues in dispute, a report embodying the agreement shall be issued to the parties and the judge within five (5) days thereof. The report may require dismissal of the claim or the filing of an LDOL Form 1011 within a specified period of time. Failure to timely comply with the agreement will result in issuance of citations to all defendants. When all issues in dispute are resolved at any mediation conference, the Office of Workers' Compensation Administration may waive payment of the \$30.00 filing fee.
4. If any proper party defendant is present or represented at the informal mediation conference, formal citation and service of process shall be made upon that defendant or its representative at that time. If the defendant(s) is participating by telephone, citation shall be waived and service shall be accepted by facsimile. A signed waiver form shall be returned within twenty-four hours after the conclusion of the mediation by facsimile transmission. The original signed waiver form shall be forwarded to the court no later than five days after the mediation. The original document(s) shall be mailed to the

defendant(s) no later than five days following the completion of the mediation. Citation and service of process shall be proper upon any representative of the defendant appearing at the mediation conference. The affidavit of the mediator or waiver of service signed by the defendant or its authorized representative in any subsequent proceeding shall be prima facie evidence that service has been made in accordance with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:269 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1864 (October 1999).

Section 5819. Failure to attend; sanctions

1. If any party fails to appear at any informal mediation conference after proper notice, the judge, upon report from the mediator, may fine the delinquent party an amount not to exceed \$500.00, which shall be payable to the Office of Workers' Compensation Administrative Fund. In addition, the judge may assess against the party failing to attend, costs and reasonable attorney's fees incurred by any other party in connection with the conference. If the claimant fails to appear after proper notice, the judge may dismiss the claimant's case without prejudice. The penalties provided for in this Section shall be assessed by the judge only after a contradictory hearing which shall be held prior to the hearing on the merits of the dispute unless waived upon joint motion of the parties. Appearance by the parties and/or their representative may be waived in written form. The judge may entertain such action by telephone conference with all parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.
2. When a party without reasonable excuse, fails to appear for the informal mediation conference; the judge may apply to the District court as set forth in Section 5535 for contempt proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.3(B)(2).

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1864 (October 1999).

SUBCHAPTER E. PETITION

Section 5821. Required elements

The required elements of a workers' compensation claim shall be as provided in R.S. 23:1311.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

SUBCHAPTER F. EXCEPTIONS

Section 5823. Exceptions; time for pleading; trial; evidence; effects of sustaining

Exceptions shall be governed by Code of Civil Procedure Articles 921, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5825. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5827. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5829. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

SUBCHAPTER G. MOTIONS

Section 5831. Motion or rule day

1. Each district office shall designate a specific day of the week for the hearing of rules, motions, exceptions and arguments. A list of the rule days for each district shall be available in any district office.
2. The judge may require the parties to submit briefs in connection with any exception, rule, or motion. Briefs should be submitted forty-eight (48) hours prior to the hearing on the exception, rule or motion. A copy of the brief shall be served upon all counsel of record at the same time and in the same manner as submitted to the court.
3. In advance of the date set for the hearing of an exception, motion or rule, any counsel may notify the court that he waives his appearance and is willing to submit the matter on briefs. At the time set for the hearing, any person may waive oral argument.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5833. Written motion required; exception

An application to the court for an order, if not presented in some other pleading, shall be by motion which, unless made during trial or hearing or in open court, shall be in writing. The written motion shall state the grounds therefor and the relief or order sought.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office

of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5835. Ex parte and contradictory motions

Ex parte and contradictory motions shall be governed by Code of Civil Procedure Articles 963, et seq. A contradictory hearing with the adverse party may be held unless waived upon joint motion of the parties. Appearance by the parties and/or their representative may be waived in written form. The judge may entertain such motion by telephone conference with all parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:270 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5837. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:271 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5839. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:271 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5841. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:271 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Chapter 59. Production of Evidence

SUBCHAPTER A. GENERAL

Section 5901. Discovery and attendance of witnesses

The hearing process shall be available to aid any party in pursuit of discovery and to compel attendance of witnesses or production of evidence. The judge on his own motion at any conference may order the production of discoverable material and make any other order facilitating discovery. Copies of discovery documents are to be mailed to all parties and shall not be filed in the record of the proceedings unless attached as an exhibit to a motion or ordered by the judge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:271 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5903. Objections to evidence

Except as otherwise provided in Title 23 or by these rules, objection to any evidence shall be governed by the Louisiana Code of Evidence and Code of Civil Procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

Section 5905. Protective Orders

Upon motion by a party or by a person from whom discovery is sought, and for good cause shown after contradictory hearing, the judge may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. The judge may entertain such motion by telephone conference with all necessary parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers'

Compensation Administration, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1865 (October 1999).

SUBCHAPTER B. SUBPOENA

Section 5909. Issuance; service

4. Subpoenas issued in connection with any workers' compensation matter shall be served by the party requesting issuance of the subpoena, and may be served by certified mail return receipt requested or any other manner provided in Section 5511. Proof of service shall be the responsibility of the party requesting the subpoena. Once issued and served, a subpoena may be canceled by the requesting party only after written notice to the opposing side. It shall be the responsibility of the requesting party to provide written notification of cancellation to all opposing parties as well as the person under subpoena.
5. In order to be enforceable, subpoenas for hearing shall be served seven (7) days prior to the scheduled hearing date; subpoenas to compel attendance of medical experts shall be served ten (10) days prior to hearing. Subpoenas for hearing may be issued after expiration of these time limits only by leave of court for good cause shown or upon written consent of all parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5911. Exceptions

1. No official of the Social Security Administration shall be subject to subpoena under these rules except for good cause shown.
2. An independent medical examiner shall be subject to subpoena only as provided in R.S. 23:1317.1.
3. The subpoena of the director or any other employee of the Office of Workers' Compensation Administration shall be governed by R.S. 23:1318.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5913. Subpoena of confidential records

The subpoena of confidential records shall be governed by R.S. 23:1293(A)(1) and 1310.15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

SUBCHAPTER C. DISCOVERY

Section 5915. Scope of discovery

Discovery shall be governed by Code of Civil Procedure Articles 1421, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5917. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:273 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

SUBCHAPTER D. DEPOSITIONS

Section 5921. General; when taken

The taking of a deposition shall be governed by Code of Civil Procedure Articles 1437, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:273 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5923. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:273 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5925. Depositions in advance of hearing; perpetuation of testimony

Depositions in advance of hearing shall be governed by R.S. 23:1319.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:273 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5927. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5929. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of

Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

SUBCHAPTER E. INTERROGATORIES

Section 5931. General

Interrogatories shall be governed by Code of Civil Procedure Articles 1457, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

SUBCHAPTER F. PRODUCTION OF DOCUMENTS

Section 5933. Production of documents; general; medical evidence

1. In general, the production of documents shall be governed by Code of Civil Procedure Articles 1461, et seq. and R.S. 23:1127.
2. Within ten (10) days of receiving a copy of another party's medical report, the recipient shall advise the judge in writing if there is an objection to the admission of the report in evidence. A copy of the objection shall be mailed to all parties of record in the suit. Unless the judge and all parties are timely notified of the objection, the recipient of the report shall be deemed to have waived the right to object and the report shall be admitted into evidence for all purposes at the trial. When a timely objection is received, the judge may set a hearing on the motion, or rule on the matter at the trial on the merits. The judge further has the discretion to order, after a contradictory hearing, a deposition of the doctor if necessary to clarify a report or to obtain additional information, during the discovery period or at the trial on the merits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1866 (October 1999).

Section 5935. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5937. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5939. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

SUBCHAPTER G. ADMISSIONS

Section 5941. Requests for admission

Requests for admission shall be governed by Code of Civil Procedure Articles 1466, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

SUBCHAPTER H. MEDICAL EXAMINATIONS

Section 5943. Independent medical examinations; report; deposition of examiner; objections

1. The procedure for requesting an independent medical examination shall be as provided in R.S. 23:1317.1.
2. Objections to the independent medical examination shall be made on form LDOL-WC-1008 and shall be set for hearing before a judge within thirty days of receipt. No mediation shall be scheduled on disputes arising under this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5945. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5947. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5949. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5951. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5953. Right of an employee to written report of medical examination.

Entitlement of an employee to the written report of a medical examination shall be as provided in R.S. 23:1125.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

SUBCHAPTER I. MOTION TO COMPEL

Section 5955. Motion for order compelling discovery

Motion for order compelling discovery shall be governed by Code of Civil Procedure Articles 1469, et seq. and R.S. 13:3715.1 and Section 5963.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5957. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

SUBCHAPTER J. SANCTIONS

Section 5959. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5961. Refusal to obey subpoena

When a person who, without reasonable excuse, fails to obey a subpoena, the judge may apply to the judge of the appropriate district court as set forth in Section 5535 for contempt proceedings against such person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5963. Failure to comply with order compelling discovery

Failure to comply with order compelling discovery shall be governed by Code of Civil Procedure Article 1471. In addition, the judge may make an application for contempt proceedings as set forth in Section 5535 except in cases of an order to submit to a physical or mental examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 5965. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Chapter 60. Pretrial Procedure

Section 6001. Scheduling conference

1. Within sixty days following receipt of the answer a judge shall conduct a scheduling conference for the purpose of setting pre-trial deadlines. Such conference shall be held by telephone.
2. Issues to be considered and determined at the scheduling conference shall include:
 - (1) The necessity or desirability of amendments to pleadings.
 - (2) Discovery anticipated by the parties.
 - (3) Deadlines for amendments to pleadings; completion of discovery and scheduling of pre-trial motions.
 - (4) Scheduling of the pre-trial conference and if the mediator's schedule permits, the scheduling of a Section 6009 mediation.
 - (5) Scheduling of the trial.
 - (6) Such other matters as may aid in the disposition of the action.
3. At the conclusion of the scheduling conference and no longer than fourteen days following the conference, a scheduling order, developed by the director, shall be issued by the judge setting forth the actions taken and deadlines set at the conference. Such order shall control the subsequent course of the claim, unless modified to prevent manifest injustice upon motion of a party or by order of the court.
4. The judge in his discretion may waive the requirement of a pre-trial conference. If so waived, the pre-trial statement required by Section 6007 shall be filed as ordered by the judge. The pre-trial conference should be held no less than forty-five days prior to trial.
5. The trial date should not be more than six months from the scheduling conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999).

Section 6003. Statement of evidence

1. Each party to the dispute shall file a statement of evidence with the appropriate district office ten (10) days prior to the scheduling conference.
2. The statement of evidence shall be signed by the party, its representative, or counsel preparing it and shall set forth:
 - (1) A list and brief description of all exhibits to be offered into evidence. Exhibits to be used for impeachment or rebuttal need not be included on the list. Impeachment evidence shall include, but not be limited to, witnesses, documents, photographs, or films. Proposed stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list.
 - (2) A list of witnesses each party may call and a short statement as to the nature but not to the content of their testimony, and whether their testimony will be offered live or by deposition. Except for the witnesses listed, no other witnesses may be called to testify except for good cause shown. This requirement shall not apply to impeachment and rebuttal witnesses.
 - (3) Outstanding discovery and depositions to be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, , LR 25:276 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

Section 6005 Pretrial conference

1. Each party to the dispute shall file a pre-trial statement with the appropriate district office ten (10) days prior to the pretrial conference. The pre-trial statement shall update and finalize all items originally submitted statement of evidence pursuant to Section 6003.
2. The party or counsel who prepared and submitted the pre-trial statement to the workers' compensation court should attend the pretrial conference. Any substitute permitted by the court to attend the conference shall be knowledgeable of all aspects of

the case and shall possess the necessary authority to commit his client or associate regarding changes, stipulations, compromise/settlements, and trial dates.

3. The pretrial conference shall be held by telephone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

Section 6007 Pre-trial statement

1. The pre-trial statement shall include:
 - (1) Stipulations agreed to by all parties.
 - (2) Issues to be litigated.
 - (3) Contentions.
 - (4) A list and brief description of all exhibits to be offered at trial.
 - (5) A list of all witnesses to be called at trial.
 - (6) Desirability of mediation.
2. Amendments to the pre-trial statement shall only be by written motion and permitted only for good cause shown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor Office of Workers' Compensation Administration, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

Section 6009 Pre-trial mediation

If scheduled, the pre-trial mediation conference should be held no later than fifteen days prior to the scheduled trial date. The judge shall set the matter for a mediation conference with the mediator

who originally heard the claim or a duly qualified mediator in the absence of the original mediator. The notice may be given by telephone, but shall be confirmed in written form. The judge shall provide notice of the date, time, and place of the conference to all parties at the same time and in the same manner. The rules of mediation found in Sections 5813 - 5819 shall apply except that the parties shall appear in person. Only two mediation conferences may be held pursuant to this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

Chapter 61. Hearings

SUBCHAPTER A. EXPEDITED HEARINGS

Section 6101. Examination of an injured employee

The examination of an injured employee shall be governed by R.S. 23:1121 and 1124.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

SUBCHAPTER B. CONTINUANCE

Section 6103. General

1. Continuances shall be as provided in Code of Civil Procedure Articles 1601, et seq.
2. A continuance shall not be granted for the absence of a subpoenaed witness if the subpoena was not issued in accordance with Section 5909 of these rules.
3. A continuance will not be entertained based upon a conflict in the schedule of any party or attorney if the conflict arose after the date of the scheduling conference, except for good cause shown or in cases of criminal assignments.
4. If uncontested, the moving party shall certify to the court that he has spoken to opposing

counsel, that no opposition exists and that all witnesses have been timely notified of the continuance. The uncontested motion shall be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999).

Section 6105. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6107. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Chapter 62. Trial

SUBCHAPTER A. TRIAL PROCEDURE

Section 6201. General

Only those issues listed in the pretrial statements shall be litigated at trial. No new issues shall be raised except by written order of the judge for good cause or upon mutual agreement of the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6203. Trial on the merits.

The trial of a workers' compensation claim shall be governed by R.S. 23:1317.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6205. Cumulative medical testimony

The introduction of medical testimony in a hearing or trial shall be governed by R.S. 23:1124.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6207. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6209. Testimony of medical personnel

Expert medical testimony may be admitted by:

1. Reports of any health care provider certified as a true copy in accordance with the Louisiana Revised Statutes 13:3715.1.
2. Deposition.
3. Oral examination in open court proceedings; however, no more than two physicians may present testimony for either party except by order of the judge.
4. Any other manner provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

SUBCHAPTER B. DISMISSAL

Section 6211. Dismissal; voluntary; involuntary

Dismissal shall be governed by Code of Civil Procedure Articles 1671, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6213. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:278 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

SUBCHAPTER C. ASSESSMENT OF COSTS

Section 6215. Assessment of costs

The determination of whether costs shall be assessed against a party shall be governed by R.S. 23:1310.9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Chapter 63. Judgments

SUBCHAPTER A. GENERAL

Section 6301. Submission of evidence

A case or other matter shall be considered as having been fully submitted for decision immediately upon the conclusion of trial or hearing or final submission of all evidence. The parties shall file in to the record all evidence at the time of trial or hearing unless an extension is granted by the court, for good cause shown. In instances where the judge allows briefs, the parties shall be allowed a maximum of fifteen working days from the conclusion of the trial or hearing to file post trial memoranda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

Section 6303. Completion of trial; pronouncement of judgment

1. The procedures for completion of trial and pronouncement of judgement shall be governed by R.S. 23:1310.5(A)(1) and 1201.3(A). All such orders, decisions, or awards shall be rendered no later than thirty calendar days after conclusion of trial.
2. Written reasons shall only be rendered if requested in written form by any party to the claim within ten days of the signing of the judgment. The written reasons shall be issued by the judge not later than thirty days following the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999).

SUBCHAPTER B. DEFAULT

Section 6305. Default; general provisions; scope of judgment

The general rule regarding default in a workers' compensation claim shall be governed by R.S. 23:1316 and 1316.1 and Code of Civil Procedure Article 1703.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6307. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6309. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

SUBCHAPTER C. MODIFICATION

Section 6311. General

The modification of an award shall be governed by R.S. 23:1310.8(A)(1) and (B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6313. Amendment of judgment

Amendments of judgment shall be governed by Code of Civil Procedure Article 1951.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6315. Request for modification

Any party to the claim may apply for modification pursuant to Section 6311 by filing a Form LDOL-WC-1008. If the original decision or award was made by a District Court Judge, the party seeking the modification shall furnish the workers' compensation judge with the appropriate evidence and documents from the district proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6317. Exception

A motion for new trial shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Chapter 64. Appellate Procedure

Section 6401. General

All appeals shall be taken in accordance with the procedures set forth in R.S. 23:1310.5 and, where not in conflict, the Louisiana Code of Civil Procedure and the relevant rules of the appropriate circuit court of appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6405. Payment of appellate costs

Payment of appellate costs shall be governed by Code of Civil Procedure Articles 2126, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6407. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:280 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6409. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:280 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6411. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:280 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Chapter 65. SPECIAL DISPUTES

SUBCHAPTER A. ATTORNEY FEES

Section 6501. Disputed attorney fees

When a dispute arises among several attorneys as to the identity of claimant's counsel of record, or when several successive attorneys lay claim to a fee in the same case, the judge shall decide the issues raised and allocate the fee allowed in proportion to the services rendered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of labor, Office of Workers' Compensation Administration, LR 25:280 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6503. Attorney fees; application, review and approval

1. Whenever the judge renders an award of penalties or attorney fees due to the conduct of the other party under any provision authorized by the Workers' Compensation Act, the judgment shall state the specific acts or omissions of the party which gave rise to the award of a penalty or attorney fee. When attorney fees are awarded due to the conduct of a party the judgment shall state the basis for the amount of the award.
2. Attorney fee claims under R.S. 23:1141 for allowable portions of periodic payments of indemnity benefits recovered by claimants shall only be authorized after approval by the presiding judge upon filing of a motion for such fees filed by the claimant's attorney.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1870 (October 1999).

Section 6505. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

SUBCHAPTER B. OFFSETS

Section 6507. Offsets

1. A request for offsets pursuant to R.S. 23:1225 made in connection with a disputed claim shall be made by filing Form LDOL-WC-1008 or by responsive pleading. An order shall be issued recognizing the entitlement to the offset for social security benefits from the date of judicial demand, and setting the amount of the offset after a determination of the character of the disability, the right to the offset, and calculation of the offset. A contradictory hearing may be set by the judge for this determination. Notice shall be provided to the claimant or his representative prior to issuance of the order. The order shall be served by certified mail upon all parties and the Social Security Administration. Such offsets may be taken upon receipt of proof of service of the order upon the Social Security Administration by the Office of Workers' Compensation Administration.
2. A request for offsets pursuant to R.S. 23:1225 made in connection with a claim not in dispute may be made by motion on form LDOL-WC-1005(A) or by letter, filed in the appropriate district office. When properly filed, the motion or letter requesting an offset may be granted ex parte from date of filing. Such offsets shall not be taken unless the social security offset has been removed. No fee shall be charged in connection with a request made under this Subsection.
3. A unilateral reverse offset shall not be recognized by this office after March 20, 1993. A unilateral offset under any other Subsection of R.S. 23:1225 shall not be recognized by this office after January 1, 2000.
4. Information concerning receipt of social security benefits and the amounts thereof shall be obtained on Form LDOL-WC-1004, which shall be properly executed by an official designated by the Social Security Administration.
5. An official of the Social Security Administration shall not be subject to subpoena under this rule unless for good cause shown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

SUBCHAPTER C. FINANCIAL AND COMPLIANCE HEARINGS

Section 6509. Financial and compliance hearings

1. An informal mediation conference shall be held within fifteen days of the filing of an appeal for financial and compliance matters.
2. If a resolution is not reached, a hearing on the appeal held pursuant to R.S. 23:1171 shall be held within 15 days of the conclusion of the informal mediation conference, and shall be conducted in accordance with the provisions of the Administrative Procedure Act.
3. Suspensive appeals of a determination of the financial and compliance officer will not be entertained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

Chapter 66. Miscellaneous

SUBCHAPTER A. GENERAL

Section 6601. Other applicable rules

Unless otherwise provided in the these rules, any practice or procedure not in conflict with either the Workers' Compensation Act or these rules will be guided by practice and procedure provided for in the Louisiana Code of Civil Procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

Section 6603. Local rules prohibited

Local rules by any district office of the Office of Workers' Compensation Administration are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

Section 6605. Fees

The clerks for the Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees in a Workers' Compensation dispute:

1. Filing of 1008 or 1011 - \$30.00
2. Service of Process on Secretary of State - \$25.00
3. Copies of any paper in any suit record \$0.25 per page
4. For each certification - \$1.00
5. Filing by facsimile transmission - \$5.00
6. Cost of preparation of record for appeal - available upon request from the district offices.
7. Cost of service by certified mail - available upon request from the district offices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation, LR 25:281 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

Section 6607. Posting of docket

The clerk of the district office shall keep a docket upon which shall be entered all matters set for mediation, hearing, or trial. The docket shall be posted in a conspicuous location of the district office on the first work day of each week for that week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1871 (October 1999).

SUBCHAPTER B. COSTS

Section 6609. General

1. The awarding of costs shall be governed by R.S. 23:1317(B) and Code of Civil Procedure Article 1920.
2. The costs of preparing an appeal shall be initially sustained by the appellant. In the case of pauper, the costs incurred by the Office of Workers' Compensation Administration in preparing the transcript shall be sustained by the Office of Workers' Compensation Administration only where the pauper is the losing party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6611. Medical costs

The determination of all medical reimbursement shall be based upon the reimbursement schedule in effect at the time the services are rendered. Every attempt to resolve disputes over medical reimbursement shall be made by applying said schedule(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

SUBCHAPTER C. WAIVER OF COSTS FOR INDIGENT PARTY

Section 6613. Waiver of costs for indigent party

Waiver of costs for indigent party shall be governed by Code of Civil Procedure Articles 5181, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6615. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).
Section 6617. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6619. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872: (October 1999).

Section 6621. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6623. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6625. Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

SUBCHAPTER D. SEVERABILITY OF SECTIONS

Section 6627. General

If any provision or item of a section, or the application thereof, is held to be invalid, such invalidity shall not affect other provisions, items, or applications of the section which can be given effect without the invalid provision, item or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

SUBCHAPTER E. FORMS

* * *

Section 6637 Motion for Recognition of Right to Offset; Form LDOL-WC-1005A

Attached hereto and designated as "Attachment Number 5".

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:293 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

Section 6639 Order Recognizing Right to Offset; Form LDOL-WC-1005B

Attached hereto and designated as "Attachment Number 6".

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Adopted by the Louisiana Department of Labor, Office of Workers'

Compensation Administration, LR 25:293 (February 1999). Amended by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1872 (October 1999).

* * *

Section 6662 Attorney Fee Notice of Lien; Form LDOL-WC-1027

Attached hereto and designated as "Attachment Number 16".

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1873 (October 1999).
Section 6663 Scheduling Order; Form LDOL-WC-1028

Attached hereto and designated as "Attachment Number 17".

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1873 (October 1999).